

**State of California
Office of Administrative Law**

In re:
State Water Resources Control Board

Regulatory Action:

Title 23, California Code of Regulations

Adopt sections: 3929.14

Amend sections:

Repeal sections:

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11353

OAL Matter Number: 2016-0527-04

OAL Matter Type: Regular (S)

This rulemaking action by the State Water Resources Control Board (State Board) amends the Water Quality Control Plan for the Central Coast Basin (Basin Plan) by adopting total maximum daily loads for nitrogen compounds and orthophosphate in the Pajaro River Basin. This basin plan amendment was adopted by the Central Coast Regional Water Quality Control Board (Regional Board) pursuant to Resolution No. R3-2015-0004 on July 30, 2015, and approved by the State Board on April 5, 2016 pursuant to Resolution No. 2016-0018. The concise summary of the basin plan amendment will be added to section 3929.14 of title 23 of the California Code of Regulations.

OAL approves this regulatory action pursuant to section 11353 of the Government Code.

Date: July 12, 2016


Lindsey S. McNeill
Attorney

For: Debra M. Cornez
Director

Original: Thomas Howard
Copy: Peter Osmolovsky

11353

REGULAR

STATE OF CALIFORNIA - OFFICE OF ADMINISTRATIVE LAW

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2016-0527-045	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only	
NOTICE	REGULATIONS

ENDORSED - FILED
 in the office of the Secretary of State
 of the State of California
 JUL 12 2016
 1:49 PM

2016 JUL 11 P 3:27
 OFFICE OF
 ADMINISTRATIVE LAW

AGENCY WITH RULEMAKING AUTHORITY State Water Resources Control Board	AGENCY FILE NUMBER (if any) Resolution No. R3-2015-0004
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A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) TMDLs for nutrients in streams of the Pajaro River basin	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related) SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT add section 3929.14 to CCR Title 23, Division 4, Chapter 1, Article 3	per agency LM request 7/12/2016
	AMEND	
	REPEAL 23	

3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §511349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input checked="" type="checkbox"/> Other (Specify) <u>Gov't code 11353</u>	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input checked="" type="checkbox"/> Effective other (Specify) <u>Upon Approval (Gov't Code 11353)</u>

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal	
<input type="checkbox"/> Other (Specify)			

7. CONTACT PERSON Peter Osmolovsky, Central Coast Water Board staff	TELEPHONE NUMBER (805) 549-3699	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) pete.osmolovsky@waterboards.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Jessica M. Jahr</i>	DATE June 7, 2016
TYPED NAME AND TITLE OF SIGNATORY Jessica M. Jahr, Attorney, State Water Resources Control Board	

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ENDORSED APPROVED

JUL 12 2016

Office of Administrative Law

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2016-0527-04 S	EMERGENCY NUMBER
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2016 MAY 27 P 3:43
OFFICE OF ADMINISTRATIVE LAW

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY State Water Resources Control Board	AGENCY FILE NUMBER (if any) Resolution No. 23 -2015-0004
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A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

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1a. SUBJECT OF REGULATION(S) TMDLs for nutrients in streams of the Pajaro River basin	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT add section 3929.14 to CCR Title 23, Division 4, Chapter 1, Article 3 AMEND REPEAL
TITLE(S) 23	per agency LM request 7/12/2016

3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input checked="" type="checkbox"/> Other (Specify) <u>Gov't code 11353</u>	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) Effective on filing with Secretary of State §100 Changes Without Regulatory Effect Effective other (Specify) Upon Approval (Gov't Code 11353)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

Department of Finance (Form STD. 399) (SAM §6660) Fair Political Practices Commission State Fire Marshal

Other (Specify)

7. CONTACT PERSON Peter Osmolovsky, Central Coast Water Board staff	TELEPHONE NUMBER (805) 549-3699	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) pete.osmolovsky@waterboards.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

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SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE 5-18-16
TYPED NAME AND TITLE OF SIGNATORY John M. Robertson, Executive Officer, Central Coast Regional Water Quality Control Board	

CONCISE SUMMARY OF REGULATORY PROVISIONS

TITLE 23. Waters

Division 4. Regional Water Quality Control Boards

Chapter 1. Water Quality Control Plans, Policies, and Guidelines

Article 3. Central Coast Region

The following section 3929.14 is to be added to Title 23, Division 4., Chapter 1., Article 3. of the California Code of Regulations:

§ 3929.14 – Total Maximum Daily Loads for Nitrogen Compounds and Orthophosphate in Streams of the Pajaro River Basin

The Central Coast Regional Water Quality Control Board (Central Coast Water Board) periodically revises and amends the Water Quality Control Plan for the Central Coastal Basin (Basin Plan). The Central Coast Water Board has determined the Basin Plan requires amendment to incorporate total maximum daily loads (TMDLs) and an implementation strategy for nitrogen compounds and orthophosphate in streams of the Pajaro River basin. TMDLs are a requirement of the federal Clean Water Act. Waterbodies assigned TMDLs by this action include the Pajaro River, Watsonville Slough, Llagas, San Juan, and Furlong creeks, and other tributary surface waterbodies as identified in the Basin Plan amendment.

The Central Coast Water Board adopted this Basin Plan amendment by Resolution No. R3-2015-0004 at the July 30, 2015 board meeting. Further, this action by the Central Coast Water Board was subsequently approved by the State Water Resources Control Board by Resolution No. 2016-0018 on April 5, 2016.

The Central Coast Water Board's goal for establishing these TMDLs in the Pajaro River basin is to rectify water quality impairments related to nitrate, un-ionized ammonia, and orthophosphate, thereby providing support for the designated beneficial uses of municipal and domestic water supply, cold and warm fresh water habitat, groundwater recharge, agricultural water supply, and to support water quality standards attainment with regard to the Basin Plan's general toxicity water quality objective for un-ionized ammonia, and the Basin Plan's water quality objective for biostimulatory substances.

Responsibility for achieving pollutant load reductions falls upon several entities as described in Attachment A to Resolution No. R3-2015-0004 (Basin Plan amendment). The Central Coast Water Board is relying on existing regulatory measures in the river basin to ensure TMDL implementation is carried out by implementing parties. These regulatory measures include NPDES stormwater permits, NPDES wastewater permits, and the Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands (Order No. R3-2012-0011, as modified by Order WQ-2013-0101). Further, this Basin Plan amendment utilizes an implicit margin of safety to account for uncertainties.

Interim and final implementation milestones of 10, 15, and 25 years are established for showing progress towards, and attainment of relevant water quality standards. The Central Coast Water Board will track progress towards achieving the TMDLs through review of implementation actions and monitoring conducted by the implementing parties.

LM
per agency
request
7/2/2016